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TECH CENTER 1600/2900

Attorney Docket No. 46124-5001-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Masahiro IWAMOTO, et al.

Application No.: 09/902,772

Filed: July 12, 2001

For: **CELL CALCIFICATION SUPPRESSING  
PROTEINS, AND GENES OF  
THE PROTEINS**

Group Art Unit: 1653

Examiner: Not Yet Assigned

Commissioner for Patents  
Washington D.C. 20231

Sir:

**SECOND PRELIMINARY AMENDMENT  
TRANSMITTAL FORM**

1. Prior to the examination of the above-identified application, transmitted herewith is a Preliminary Amendment.

2. Additional papers enclosed:

- ☒ Marked-Up Version of amended specification
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☒ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month		\$ 110.00
<input type="checkbox"/> two months		\$ 390.00
<input type="checkbox"/> three months		\$ 890.00
<input type="checkbox"/> four months		\$1,390.00
<input type="checkbox"/> five months		\$1,890.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$445.00 is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	
Total Claims (37 C.F.R. § 1.16(c))	27 =	7	\$ 18.00 each =	+ \$ 126.00
Independent Claims (37 C.F.R. § 1.16(b))	12 =	9	\$ 80.00 each =	+ 720.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$	+ 270.00
<b>SUB-TOTAL =</b>				<b>\$1,116.00</b>
<b>Reduction by ½ for filing by a small entity</b>				- N/A
<b>TOTAL FILING FEE =</b>				<b>\$1,116.00</b>

6. Fee Payment

☐ No fee is to be paid at this time.

☒ ENCLOSED:

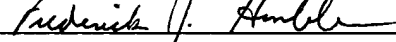
1.	Additional total claims .....	\$ 126.00
2.	Independent claims .....	720.00
3.	Multiple dependent claims presentation.....	<u>270.00</u>
	Total amount of check.....	\$1,116.00

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 6, 2001

By:   
Frederick J. Hamble  
Reg. No. 42,623

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SECOND PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination of the above referenced application, please amend the specification and claims as follows:

IN THE SPECIFICATION

Please substitute the following paragraph for the paragraph starting at line 10 on page 2 of the specification:

B1  
Fig. 1 illustrates the nucleotide sequence for c-erg CDNA (SEQ. ID No. 3) and the declared amino acid sequence for c-erg protein (SEQ. ID No. 4) where the nucleotide sequence lacking the underlined portion of the sequence in the figure corresponds to the C-11 gene nucleotide sequence according to this invention.

Repln. Ref: 05/07/2002 HMMNDL 0009320800  
DRI: 500310 Name/Number: 09902772  
FC: 704 \$360.00 CR

Please substitute original pages 27-34 with the enclosed paper copy of the SEQUENCE

LISTING submitted herewith. Please renumber original pages 35-38 as 34-37, respectively.

Adjustment date: 05/07/2002 HMMNDL  
09/07/2001 6ZEMRIE1 00000044 09902772  
02 FC:103 -126.00 CP  
03 FC:104 -270.00 CP

I-WA/1662133.2

05/07/2002 HMMNDL 00000015 09902772

01 FC:103

36.00 CP